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DIRECTOR GENERAL OF RAILROADS *v.* BLUE.

Nov. 17, 1921.

[109 S. E. 482.]

1. Railroads (§§ 313, 317*)—Violation of Ordinances Negligence.—Violation of ordinances limiting speed and requiring the ringing of a bell on an engine approaching a crossing negligence.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 127 et seq.]

2. Railroads (§ 327*)—Pedestrian Crossing Tracks Held Negligent.—A pedestrian crossing double tracks in clear view for 1,200 feet who was struck by a backing engine running at an unlawful speed without signal held guilty of contributory negligence in failing to observe the engine on the second track.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 127 et seq.]

3. Railroads (§ 338*)—Last Clear Chance Doctrine Held Applicable to Pedestrian's Injury.—Where the lookout man on a backing engine merely whistled through his teeth to warn a pedestrian approaching the danger zone line, who failed to notice the warning or hear the engine, then far enough away for blowing the whistle or tapping the bell and slackening the speed, which would have prevented injury, the railroad company was liable under the last clear chance doctrine.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 127 et seq.]

Error to Corporation Court of Charlottesville.

Action by J. L. Blue against the Director General of Railroads. From judgment for plaintiff, defendant brings error. Affirmed.

Robert B. Tunstall, of Norfolk, and *Perkins, Walker & Battle*, of Charlottesville for plaintiff in error.

Fife & Pitts and *F. C. Moon*, all of Scottsville, for defendant in error.

BAYLOR *v.* HOOVER.

Nov. 17, 1921.

[109 S. E. 578.]

1. Brokers (§ 85 (1)*)—In Suit for Commission, Held Not Error to Admit Contract of Husband and Wife, and to Show that It Was the Contract of the Husband Only, and Accepted as Such.—In an action by a real estate agent to recover a commission for procuring a purchaser who without authority signed his wife's name to the contract

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.